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COMMITTEE REPORT

March 25, 2015

**H. 3443**

Introduced by Reps. Long, Erickson, Daning, Atwater, Bradley, Hixon, Newton, Ridgeway, Simrill, Spires, G.M. Smith, Weeks and Johnson

S. Printed 3/25/15--H.

Read the first time January 28, 2015.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3443) to amend Section 40‑37‑290, Code of Laws of South Carolina, 1976, relating to the purchasing, possessing, administering, supplying, and prescribing of certain, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

House Bill 3443 amends Section 40-37-290 relating to the prescriptive authority of optometrists. The bill authorizes optometrists to continue to prescribe hydrocodone, which they had not been allowed to prescribe after the medication was reclassified from Schedule III to Schedule II in October, 2014.

The Department of Labor, Licensing and Regulation reports that this bill would have no expenditure impact on the general fund, federal funds or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40‑37‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, POSSESSING, ADMINISTERING, SUPPLYING, AND PRESCRIBING OF CERTAIN PHARMACEUTICAL AGENTS BY OPTOMETRISTS AND THE PROHIBITION ON SCHEDULE I AND II CONTROLLED SUBSTANCES, SO AS TO CLARIFY THAT SCHEDULE II CONTROLLED SUBSTANCES THAT HAVE BEEN RECLASSIFIED FROM SCHEDULE III TO SCHEDULE II ON OR AFTER OCTOBER 6, 2014, MAY CONTINUE TO BE PURCHASED, POSSESSED, ADMINISTERED, SUPPLIED, AND PRESCRIBED BY AN OPTOMETRIST.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑37‑290 of the 1976 Code is amended to read:

“Section 40-37-290. Notwithstanding any other provision of law, an optometrist may purchase, possess, administer, supply, and prescribe pharmaceutical agents, including oral and topically applied medications other than Schedule I and II controlled substances as defined in Section 44‑53‑110 except controlled substances that have been reclassified from Schedule III to Schedule II effective on or after October 6, 2014, may continue to be purchased, possessed, administered, supplied, and prescribed by an optometrist, for diagnostic and therapeutic purposes in the practice of optometry, except that:

(1) when prescribing oral and topically applied medications, an optometrist is limited to these oral pharmaceutical agents: antihistamines, antimicrobial, antiglaucoma, over‑the‑counter drugs, and analgesics for the treatment of ocular and ocular adnexal eye disease. An optometrist may only prescribe these medications for the treatment of ocular and ocular adnexal eye disease;

(2) when prescribing medications for the treatment of ocular and ocular adnexal disease, documentation in the patient’s chart and appropriate consultations and referrals must be in accordance with the standard of care provided for in Section 40‑37‑310(E);

(3) when prescribing analgesics, the prescription must be limited to a seven‑day supply;

(4) when prescribing topical steroids, if after twenty‑one days of treatment it is necessary to continue this medication, the optometrist shall communicate and collaborate with an ophthalmologist;

(5) no medications may be given by injection or intravenously.”

SECTION 2. This act takes effect upon approval by the Governor.

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